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JAMES BONINI  
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**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

**05 MAY 16 PM 12:15**

**CIVIL ACTION NO. C-1-00-869**

MARK R. HOOP and  
LISA J. HOOP

PLAINTIFFS/  
COUNTERCLAIM DEFENDANTS

**V. REPLY TO PLAINTIFFS' RESPONSE TO MOTION FOR CONTEMPT**

JEFFREY W. HOOP, STEPHEN E. HOOP, and  
HOOPSTERS ACCESSORIES, INC.

DEFENDANTS/  
COUNTERCLAIM PLAINTIFFS

Defendants/Counterclaim Plaintiffs ("Defendants"), by counsel, reply to Plaintiffs/Counterclaim Defendants' ("Plaintiffs") Response to Motion for Contempt, as follows:

1. In this Court's Order, which granted Defendants' oral Motion for Exclusive Possession of Equipment and was entered February 12, 2004, the Court ordered Plaintiffs to: (a) assemble the following described property: the zinc die cast mold; mold shoes; insert steels; any and all bump dies; two station trim die, if in existence; multiple station fixture; secondary operation holding fixture; wax renderings and the molds upon which the wax renderings are located; and contoured stamping die and any and all other equipment designed, developed, and/or constructed by them or any third party for them or any of their companies for the production and/or manufacturing of the eagle design motorcycle fairing guards (the "Equipment") and all eagle design motorcycle fairing guards in their possession or within their control, whether completed or in any of the various stages of production; and (b) relinquish possession of the Equipment and all eagle design motorcycle fairing guards in their possession or within their control, whether completed or in any of the various stages of production, to Defendants, undamaged and in good and proper working order, immediately

- and, in no event, no later than 5:00 p.m., on Thursday, February 12, 2004, or, in the alternative, post a \$49,500.00 cash bond with the United States District Court Clerk, Southern District of Ohio, Western Division, no later than 5:00 p.m., on Thursday, February 12, 2004.
2. Plaintiffs failed to post a \$49,500.00 cash bond with the United States District Court Clerk, Southern District of Ohio, Western Division, no later than 5:00 p.m., on Thursday, February 12, 2004.
  3. Pursuant to the Judgment in a Civil Case, which was entered on August 9, 2004, Mark, together with his “agents, attorneys, employees, representatives, and servants, as well as any other entity or individual in active concert or participation with” him is permanently enjoined from infringing United States Design Patent No. 428,831.
  4. On May 6, 2005, defense counsel performed a search for “eagle motorcycle fairing guards” and “eagle fairing guards” via the internet and was directed to links for American Aesthetics Mfg., Inc., which is a company that is wholly owned by Mark.
  5. A copy of the YAHOO! search for “EAGLE MOTORCYCLE FAIRING GUARDS,” marked Exhibit A, is attached hereto.
  6. A copy of the Google search for “eagle fairing guards,” marked Exhibit B, is attached hereto.
  7. The links state: “Original die cast metal eagle fairing guards. Protect your Harley Davidson wing tips with chrome or brass sturdy birds....” and refer people browsing the web to American Aesthetics Mfg., Inc., and Mark’s web site at [www.mybadmotorscooter.com](http://www.mybadmotorscooter.com).
  8. Mark has failed and/or refused to notify these entities about the inaccurate information contained on their sites and/or which he originally placed on his website.

9. In addition, he has admitted in his Response to Motion for Contempt that he violated the Court's Orders: "two...right-sided guards (for different model years)...were discovered in Mark's shop...." after the Court's deadline for relinquishing these items to the Hoop Brothers.
10. After locating these additional items, which Mark should have searched for, found, and relinquished to the Hoop Brothers earlier, Mark has failed and/or refused to comply with the Court's Orders and immediately relinquish these items to the Hoop Brothers.
11. In fact, Mark apparently would not have mentioned these items to the Hoop Brothers, if their legal counsel had not filed a Motion for Contempt.

**WHEREFORE**, Defendants, by counsel, respectfully request the Court for an Order holding Mark in contempt of this Court.

Stella B. House  
Attorney at Law, P.S.C.  
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Manchester, Kentucky 40962-0422  
Trial Attorney for Defendants/  
Counterclaim Plaintiffs

By: Stella B. House, Jr.  
Stella B. House, J.D.  
Kentucky Bar No. 81805

**CERTIFICATE OF SERVICE**

I certify that an accurate copy of the Reply to Plaintiffs' Response to Motion for Contempt was mailed to Alfred J. Mangels, Esq., Co-Counsel for Plaintiffs/Counterclaim Defendants, 4729 Cornell Road, Cincinnati, Ohio 45241, and Timothy A. Magee, Esq., Co-Counsel for Plaintiffs/Counterclaim Defendants, 347 North Main Street, Suite #3, Bowling Green, Ohio 43402, by United States mail, postage prepaid, on May 9, 2005.

Stella B. House  
Attorney at Law, P.S.C.

By: Stella B. House, Jr.  
Stella B. House, J.D.  
Trial Attorney for Defendants/  
Counterclaim Plaintiffs